COMMITTEES OF COUNCIL

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PSAB receives numerous questions about “committees of council.” The only provision in the Borough Code which addresses this type of committee is found in Section 1006 (4) “routine, ministerial or administrative purchases and powers may be made and exercised by officers or committees if authority for the action was previously given or if the action is subsequently ratified by council.”

Under Robert’s Rules of Parliamentary Procedure, the chair (president) has the prerogative to appoint council members to committees and to appoint the chair of each committee. How does the president of council decide on appointments to committees? There are a variety of ways: a president may ask the individual council member which committee he’d like to serve on; or the president appoints members based on the officials’ skills in their profession; or the president just simply assigns council members to committees without regard to interests or skills.

What is the mayor’s role in this? The Borough Code is silent. A few boroughs place the mayor on a committee, but there aren’t any specific details. While other borough councils argue that the mayor isn’t a council member and therefore, he isn’t appointed.

On occasion a council member doesn’t want to serve on a specific committee or any committee. Serving on committees is part of a council member’s duty and prior to Act 43-2012 it could lead to removal from council for failure to perform their elected duties under Section 903 of the Borough Code. That portion of Section of 903 was repealed because it conflicted with Article II, Section VII of the PA Constitution, only the Courts can remove an elected official upon conviction of embezzlement of public funds, a felony, perjury or an infamous crime or based on Section 904 impeachment.

The major question about committees is whether the meetings should be advertised? The solicitors’ opinions are 50/50. The majority of boroughs committees are intentionally set at three members because that is less than a quorum of council. However, the Sunshine Act defines agency as follows: “the governing body and all committees thereof, authorized to render advice…” While there still isn’t an appellate court decision on committee meetings, more boroughs are beginning to advertise them given the excessive fines and penalties for violating the Sunshine Act which each member must pay personally.

The other related issue is what happens if the president of council wants to attend a committee meeting or even serve as chair? The president of council is “ex officio” member of ALL committees and unlike Robert’s, his attendance does count, so the Sunshine Act would be violated if the meeting wasn’t advertised.
Committees arose because decades ago there weren’t any borough employees other than the borough secretary and the borough’s work needed to get done. Since, borough council has never been a full time elected body it was difficult for council to meet other than the prescribed regular monthly meetings.

There are just a couple of boroughs that don’t use committees, however they act as a whole council.

The following is a list of committees that most boroughs have in common: Finance, Personnel, Public Safety, Public Works, Parks and Recreation, and Community Development. Ordinance Committees, Maintenance Committees, and Environment Committees.

The borough should adopt a written description for each committee as well as a list of duties the committee should complete.

Here are a couple descriptions to get you started from Taylor Borough. (Our thanks to Taylor Borough).

**Budget & Finance:**

The Budget & Finance Committee has oversight responsibility for the preparation, presentation, revisions and completion of the annual budget, estimates of revenues and expenditures for each ensuing year with procedures established by the Pennsylvania Borough Code. The Committee recommends the rate of tax or taxes required to be levied to meet the proposed expenditures. The Committee also reviews all bills on the bill list submitted to Council for approval and has oversight of spending in compliance with budgeted categories.

**Parks & Recreation** – The Parks and Recreation Committee shall have the oversight of all grounds and buildings used for public recreational purposes. Borough recreation programs shall be under the oversight of this Committee, which shall also coordinate other recreational programs having use of Borough facilities.

**Environmental** – The Committee shall advise Council and educate the citizens of the Borough of Taylor, on matters that affect the quality of the environment in the borough, including those relating to the protection, conservation, management, promotion, and use of natural resources, including air, land and water resources located within the Borough

**Personnel & Policy** – The Committee on Personnel shall, in conjunction with the Borough Manager, develop and recommend approval of personnel policies; recommend to Council the hiring, dismissal or discipline of municipal employees; be Council’s conduit for the negotiation of all personnel contracts and recommend the entering into of such contracts; recommend management salaries and benefits; develop and recommend approval of grievance policies for
employees not covered by then current labor agreements; and shall attend to all duties which may be properly referred to such Committee by Council.

**Public Safety** – The Public Safety Committee shall have the oversight responsibility of the boroughs two fire departments and police department. This committee also addresses any other public safety issues, in the Borough. The Public Safety Committee examines ideas and concepts to improve public safety and work in conjunction with the Fire Chief, Chief of Police and Mayor to assure the Police Department and Fire Departments works in an efficient manner. The committee will recommend draft resolutions, ordinances and motions for consideration by Borough Council. The committee will also review and comment on budget items related to public safety. This Committee shall work in cooperation with the Mayor of the Borough and shall not contravene the legal authority of the Mayor as said authority over the Police Department is delegated in the Borough Code.

**Public Works** – The Public Works Committee shall have the responsibility to oversee and insure the cost effective and efficient operation the Department of Public works and services in the borough. including trash removal, recycling, leave collection, snow removal, paving, pump station facilities, and storm sewer maintenance. The committee also oversees and makes recommendations for maintenance and improvements to the borough streets, in consultation with the borough Engineer. This Committee shall further have responsibility for the Borough garages, grounds use for storage of supplies and all equipment purchased for borough use.

The borough is not limited to the six committees above. The borough can form other committees based on the borough’s assets and facilities. Here are a couple others: Economic Development, Community Relations, Community/Property and even an Ordinance Committee.

Other committees, called ad hoc committees, which are dissolved after their assignments are completed could be a Borough Centennial Committee or a library expansion committee.

We hope the above information will assist your borough in writing a description for your committees.